

THE HIGH COURT OF TRIPURA

A G A R T A L A

CRP No. 38 of 2015

Plaintiff-Appellant-Petitioners :

Legal Heirs of late Manindra Chandra Datta

alias Nani Datta, son of late Indra Mohan Datta and Late Priyatama Datta.

(a) Sri Rabindra Datta alias Maran Datta(son),

(b) Sri Amal Datta (Son),

(c) Sri Shyamal Datta (Son),

(d) Kamal Datta (son) died unmarried

(e) Legal heirs of late Bimal Datta, son of late Manindra Chandra Datta:

(i) Smt. Sikha Datta (wife),

(ii) Sri Babuji Datta (son),

(iii) Sri Surajit Datta (son),

(f) Smt. Jyotirmoyee Datta (wife of late Manindra Datta),

(g) Smt. Minakshi Datta (Dey) (late Manindra Datta),

All are resident of village Dhajanagar, PO: Gakulpur, P.S: R. K. Pur, District Gomati, Tripura.

By Advocate :

Mr. D. R. Das, Choudhury, Adv.

Defendant-Respondents :

1. Sri Bhupendra Datta,

Son of Late Indramohan Datta and Priyatama Datta, Presently residing in care of Shibu Mazumder, resident of Village & P.O: Bagma, P.S: R. K. Pur, District : Gomati, Tripura.

2. Legal heirs of Fanindra Datta.

Son of late Indramohan Datta and Priyatama Datta:

(a) Smt.Bakul Rani Datta (wife),

(b) Sri Uttam kumar Datta (Son),

(c) Sri Gautam Kumar Datta (son),

(d) Smt. Laxmi Rani Datta (daughter),

(e) Smt. Debi Rani Datta (daughter),

Presently residing in care of Prafulla Debnath,

All resident of Village Chhataria, PO: Gakulpur,

PS: R. K. Pur, Udaipur, District: Gomati, Tripura;

3. Legal heirs of Dwigendra Datta:

(a) Smt. Khuku Rani Datta (wife),

(b) Sri Khokan Datta (son),

(c) Sri Gopal Datta (son),

(d) Smt. Purnima Datta (daughter);

Resident of New Adarsha Nagar, Plot N o. 73, North 24 Parganas, West Bengal;

4. Legal heirs of Atul Chandra Nath Bhowmik:

- (a) Sri Sibankar Bhowmik(Son),
 - (b) Sri Bibhu Ranjan Bhowmik (Son),
 - (c) Sri Kajal Bhowmik(Son),
 - (d) Sri Sajal Bhowmik(Son),
 - (e) Sri Bhajan Bhowmik (Son),
 - (f) Smt. Gouri Bhowmik (daughter)
 - (g) Smti. Iti Bhowmik (daughter)
 - (h) Smt. Puspa Rani Bhowmik (wife);
- All are resident of village :Dhajanagar,
P.O:Gakulpur, P.S.-R. K. Pur, Udaipur, District;
Gomati, Tripura.

5. Legal heirs of Ramani Mohan Bhowmik:

- (a) Sri Sankar Kishore Bhowmik (son),
- (b) Sri Kinkar Bhowmik (Son).
- (c) Smt. Sebika Bhowmik (daughter)

All are resident of village Dhwanjanagar, P.O:
Gakulpur, PS- R. K. Pur, Udaipur,
District:Gomati, Tripura.

6. Legal heirs of Giribala Chanda,

(Purchaser from Giribala):

- (a) Smt. Mira alias Mira Rani Chanda,
Wife of Sri Paresh Chanda,
- Resident of village Dhwanjanagar, P.O-
Gakulpur, PS: R. K. Pur, Udaipur, District
Gomati, Tripura.

7. Legal heirs of Sachindra Malakar:

- (a) Smti Basana Malakar (wife),
 - (b) Sri Swadesh Malakar (son),
 - (c) Sri Dilip Malakar (son)
 - (d) Smt. Jyotsna Malakar (daughter),
 - (e) Smt. Archana Malakar (daughter),
 - (f) Smt. Laxmi Malakar (daughter),
 - (g) Smt. Chameli Malakar (daughter)
- All are resident of village Dhwanjanagar, P.O:
Gakulpur, P.S: R. K. Pur, Udaipur, District
Gomati, Tripura.

8. Legal heirs of Manoranjan Chanda:

- (a) Sri Sudhanshu Chanda (son),
- (b) Legal heir of Putul Chanda (daughter of
Manoranjan Datta).
- (1) Sri Nanda Dulal Deb (son),
Son of late Bijan Deb,
Resident of village Dhwanjanagar,
PO: Gakulpur, PS: R. K. Pur, Udaipur, District
Gomati, Tripura;
- (2) Smt. Dulali Deb (daughter),

Wife of Sri Palash Majumder,

- Resident of Village & PO : Manubazar,
Sabroom, District: South Tripura;

(c) Smt. Bakul Chanda (daughter),

- Resident of village Dhwanjanagar,
PO:Gakulpur, PS: R. K. Pur, Udaipur,
District Gomati, Tripura;

(d) Legal heir of Mukul Chanda (daughter of
Monoranjana Datta):

(1) Sri Bapan Barman alias Biswajit
Barman (son), son of Anup Barman.

(2) Sri Anup Barman son of Unknown,

(e) Smt. Simul Chanda (daughter),

(f) Smt. Parul Chanda (daughter),

(g) Smt. Sipra Chanda (daughter),

- All resident of village Dhwanjanagar, P.O:
Gakulpur, P.S: R. K. Pur, Udaipur,
District-Gomati, Tripura;

9. Smt. Bapi Rani Saha,

Wife of Sri Biplab Saha,

Resident of Sukanta Palli, Rajarbag, Udaipur,

PO & PS : R. K. Pur, Dist: Gomati, Tripura.

By Advocate :

None.

**B E F O R E
THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA**

Date of hearing &
Judgment & Order : **20th April, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

The plaintiff had filed a suit for partition. In that suit defendant no.9 was not impleaded as a party. She filed an application for being impleaded as a party on the ground that she had purchased 0.66 acres of land from defendant No.3(group).

[2] The learned trial Court while partly decreeing the suit of the plaintiff for partition held that defendant No.9 had actually purchased such land and therefore, out of the land falling to the share of defendant No.3(group) she was entitled to claim 0.66 acres.

[3] No appeal was filed by defendant No.3(group) against the said decree. The appeal has only been filed by the plaintiff and now an application for amendment has been filed. In this application it is stated that after filing of the appeal the plaintiff has come to know that the husband of the defendant no.9 is holding land in excess of the ceiling limit and, therefore, the defendant no.9 is not entitled to get this land from defendant No.3(group).

[4] I fail to understand how the plaintiff has anything to do in the matter. In case the rights of the parties have been determined. Their shares have been determined. In case defendant No.9 is not entitled to purchase the land that will be a matter between her and defendant No.3(group) and the plaintiff has nothing to do with this issue.

[5] Therefore, I find no merit in the petition and the same is accordingly dismissed. No costs.

CHIEF JUSTICE

d.dey.